

Message Text

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ACTION ARA-10

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FM AMEMBASSY MANAGUA
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INFO AMEMBASSY GUATEMALA
AMEMBASSY PANAMA
AMEMBASSY SAN JOSE
AMEMBASSY SAN SALVADOR
AMEMBASSY TEGUCIGALPA

UNCLAS MANAGUA 0946

E.O. 11652: NA
TAGS: PINS, NU
SUBJECT: FSLN TRIAL SENTENCES

REF: MANAGUA 248

SUMMARY: THE EXTRAORDINARY COUNCIL OF WAR HAS NOW HANDED DOWN SENTENCES ON THE 110 GUILTY FSLN PRISONERS. HOWEVER, THERE WILL STILL BE APPEALS OF THE SENTENCES AND FURTHER HEARINGS OF THE PERMANENT MILITARY TRIBUNAL FOR OTHER DETAINED FSLN SUSPECTS WHO HAVE YET TO BE CHARGED. END SUMMARY

1. SENTENCES WERE HANDED DOWN ON FEBRUARY 25 TO 110 FSLN PRISONERS AT END OF THE MORE THAN TWO YEAR MILITARY COURT PROCEEDINGS. THE LIGHTEST SENTENCES WERE FOR 18 MONTHS GIVEN TO EIGHT PRISONERS. OF THESE, ONE HAS ALREADY BEEN DETAINED THIS PERIOD; ANOTHER, LEANA BENAVIDES OF COSTA RICA, HAS ALREADY BEEN DETAINED 17 MONTHS, AND OTHERS HAVE ONLY A FEW MORE MONTHS TO SERVE. TWO OTHER PRISONERS WHO RECEIVED 20 MONTHS AND 24 MONTH SENTENCES HAVE ALREADY SERVED THIS PERIOD IN DETENTION.

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2. THE LONGEST SENTENCES WERE GIVEN TO PARTICIPANTS IN THE LOS ROBLES TERRORIST INCIDENT OF DECEMBER 1974, THE PLANNERS OF THE ATTACK SUCH AS TOMAS BORGE, AND OTHERS GUILTY OF ASSASSINATION AND HOMICIDE. THESE SENTENCES CUMULATIVELY TOTALED IN MANY CASES OVER 100 YEARS OF PRISON. HOWEVER, NICARAGUAN LAW SPECIFIES MAXIMUM PRISON TERMS OF 30 YEARS. THERE ARE 17 PERSONS IN THIS CATEGORY.

THE REMAINDER RECEIVED SENTENCES OF SEVEN YEARS: THREE YEARS FOR CRIMINAL ASSOCIATION AND FOUR YEARS FOR ANTI-CONSTITUTIONAL SUBVERSION.

3. THE LAWYERS OF ALL BUT ONE OF THE FSLN PRISONERS DECLARED THEY WOULD APPEAL THE SENTENCES. DURING THE APPEAL PROCESS THE MARTIAL LW PRESUMABLY WILL CONTINUE. THE PERMANENT MILITARY TRIBUNAL WILL NOW BEGIN TO HEAR OTHER WITNESSES REGARDING FSLN ACTIVITIES. THESE PERSONS WILL PRESUMABLY INCLUDE DETAINEES SUCH AS FELIPE BARREDA (REFTEL) WHO HAVE BEEN HELD FOR SOME TIME BUT HAVE NOT BEEN CHARGED. AT THE END OF THESE HEARINGS THE TRIBUNAL WILL DECIDE WHETHER TO RECOMMEND A NEW EXTRAORDINARY WAR COUNCIL TO HEAR THESE CASES, TURN THEM OVER TO CIVIL TRIBUNALS OR SET THE PRISONERS FREE.
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